

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAREN CAMESI, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 09-85J
)	
v.)	Judge Cathy Bissoon
)	
UNIVERSITY OF PITTSBURGH)	
MEDICAL CENTER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The Court – as factfinder – has determined that the only competent evidence of record establishes that “Process[ing] to Ontrack Invview” was the means by which native files were converted to TIFF format; and, consequently, the costs associated with it are recoverable under Race Tires. *See* Nov. 15th Order (Doc. 545) at 1-2. On this basis, alone and independently, the award of \$310,000 in the Bill of Costs is sustainable.

Recognizing that this determination likely would be appealed, the Court permitted Defendants to supplement the record at the trial-court level, so that any remaining information regarding the salient issues would be available to the Court of Appeals for the Third Circuit. The sworn statement by Defendants’ witness confirms, and bolsters, this Court’s interpretation of the Hearing-testimony,¹ which – as noted above – was the only competent evidence of record. Plaintiffs’ process-related objections to supplementation notwithstanding, there now remains no doubt as to recoverability, either in the legal-sense or as a matter of objective reality.

¹ *See* Doc. 546-1 at ¶ 3 (“[t]here was no incremental or separate charge for loading the TIFFs to the Invview platform[,] . . . it was a single procedure . . . [with] a single charge”).

Accordingly, this Court's Order (Doc. 521) denying Plaintiffs' Motion to vacate or reduce the amount of costs awarded is REINSTATED. The Court will issue, contemporaneously herewith, a Rule 58 judgment as relates to the Bill of Costs.

IT IS SO ORDERED.

December 18, 2017

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record